



complete and accurate loan history as required by Paragraph 1(a) of the Order. Second, it does not include a computation of the mortgage fees, expenses and charges in the Notice which is the subject of the *Motion* in a format that would be readily understandable by the Court and Parties-in-Interest as required by Paragraph 1(b) of the Order.

A third violation is that the Response does not include a declaration by a competent official of the Bank substantiating the veracity and accuracy of all matters pertaining to the Notice as required by Paragraph 1(c) of the Order. Finally, the Response does not “specifically address” each of the objections raised by the Trustee in her *Motion* as required by the introductory portion of Paragraph 1 of the Order. For example, the Trustee asserts in her *Motion* that flat fees are not permissible but the Response does not directly respond to that contention.

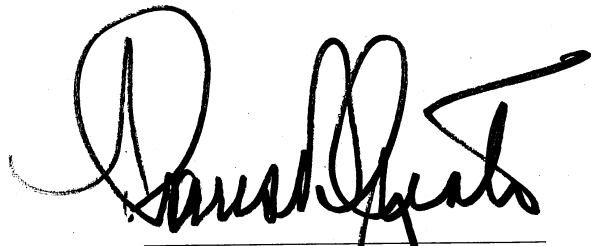
For the above reasons, the Court must strike the Response and require that it be refiled in proper form prior to the upcoming hearing. Beyond that, however, there is a more compelling issue the Court must raise.

The need to call the Stern and Eisenberg law firm to account for failing to comply with Court orders and potential *Fed.R.Bankr.P. 9011* issues respecting its filings has, unfortunately, become something of a regular occurrence. *See, e.g., In re Dworek*, Case No. 16-10705-TPA, Doc. No. 94 (Memorandum Order of August 22, 2018 chastising Stern and Eisenberg for filing a grossly deficient motion for summary judgment, failing to meet even the basic requirements of a Pretrial Scheduling Order, and for apparently filing Notices of Postpetition Mortgage Fees, Expenses and Charges without investigating whether they were warranted by existing law or a nonfrivolous argument for the extension, modification or reversal of existing law).

These repeated warnings do not seem to be having the intended effect, as indicated by the Order being entered this date. The Court has very nearly reached the end of its patience. In issuing the memorandum order in *Dworek* referenced above, the Court was careful to preserve its ability to issue an order to show cause against Stern and Eisenberg and its individual attorneys pursuant to *Fed.R.Bankr.P. 9011(c)(1)(B)*. The Court had hoped that the mere possibility of such an event would cause Stern and Eisenberg to redouble its efforts going forward to comply with orders and the *Rules of Procedure*, and that it would never actually have to "pull that trigger." The Court is re-weighing that thought and pondering whether that additional step needs to be taken.

AND NOW, this 30<sup>th</sup> day of *October, 2018*, it is **ORDERED, ADJUDGED** and **DECREED** that,

- (1) The Response filed by the Bank at Doc. No. 118 is **STRICKEN**.
- (2) **On or before November 13, 2018** the Bank shall file an Amended Response that is in full compliance with the requirements of the September 17, 2018 Order.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Case administrator to serve:

Steven Kelly, Esq.  
Ronda Winnecour, Esq.  
Dennis Spyra, Esq.  
Debtors

*Atty. William Miller*  
*Atty. Steven Eisenberg*

## Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
James H. Ramsey, Jr.  
Sandra L. Ramsey  
DebtorsCase No. 16-23742-TPA  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dkam  
Form ID: pdf900Page 1 of 1  
Total Noticed: 3

Date Rcvd: Oct 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Nov 01, 2018.  
db/jdbJames H. Ramsey, Jr., Sandra L. Ramsey, 6001 Roslyn Street, McKeesport, PA 15135-1128  
+Steven Eisenberg, Esq., Stern & Eisenberg, P.C., 1581 Main Street, Suite 200,  
Warrington, PA 18976-3400  
+William Miller, Esq., Stern & Eisenberg, P.C., 1581 Main Street, Suite 200,  
Warrington, PA 18976-3400Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 01, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 30, 2018 at the address(es) listed below:

Christopher M. McMonagle on behalf of Creditor U.S. Bank Trust National Association, as  
Trustee of the SCIG Series III Trust cmcmmonagle@sterneisenberg.com, bkecf@sterneisenberg.com  
Dennis J. Spyra on behalf of Joint Debtor Sandra L. Ramsey attorneyspyra@dennisspyra.com,  
deborah@dennisspyra.com/missdebrastone@msn.com  
Dennis J. Spyra on behalf of Debtor James H. Ramsey, Jr. attorneyspyra@dennisspyra.com,  
deborah@dennisspyra.com/missdebrastone@msn.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association, not in its individual  
capacity but solely as trustee for the RMAC Trust, Series 2016-CTT bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour on behalf of Trustee Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com  
Steven P Kelly on behalf of Creditor U.S. Bank Trust National Association, as Trustee of the  
SCIG Series III Trust skelly@sterneisenberg.com

TOTAL: 9